

Minutes

BURGLAR ALARM BOARD

Room 474

January 4, 2007 - 9:00 A.M.

Heber Wells Building

160 East 300 South, Salt Lake City, Utah

CONVENED: 9:00 a.m.

ADJOURNED: 12:27 p.m.

PRESENT:

Clyde Ormond, Bureau Manager

Darlene Congrove, Assistant Board Secretary

Board Members:

Larry Love Scott Sessions

Harold Weight Justin D Gray

Duff Astin

GUESTS:

F David Stanley, Division Director; William LaRochelle, Utah Burglar & Fire Alarm Association; Greg Skordas, Attorney for Tri-City Alarm Company; Capital Security LLC Staff: David Harward, Sandra Hart, and Adam Cox.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

Minutes:

The minutes of the November 2, 2006 Board meeting were reviewed. A motion was made by Mr. Weight and seconded by Mr. Sessions to approve the board meeting minutes of November 2, 2006, as written. The motion carried unanimously.

Oath of Office:

The oath of office was administered to Justin D Gray. Mr. Ormond discussed the responsibilities of serving as a board member.

9:15 a.m. William Bullock

Mr. Bullock met with the board for his probation interview. He is in compliance and stated that he has started a new life. In addition, he informed the board that his employer would submit his "Employer Report" next week.

Mr. Bullock is scheduled to meet with the Board on July 5, 2007, at 9:15 a.m.

9:45 a.m. Firstline Security Inc
Change of QA: Ryan Newcomer

Mr. Newcomer met with the board to review an application as replacement of qualifying agent. The board determined his work experience meets the requirements of the statute.

10:00 a.m. Protek Security
Change of QA: Robert Bradbury

A motion was made by Mr. Astin and seconded by Mr. Sessions to approve Mr. Newcomer to be the qualifying agent for this company, the motion carried unanimously.

Mr. Bradbury met with the board to review an application as replacement of qualifying agent. The board determined his work experience meets the requirements of the statute.

After careful consideration, a motion was made by Mr. Astin and seconded by Mr. Sessions to approve Mr. Bradbury to be the qualifying agent for this company, the motion carried unanimously.

10:15 a.m. Alarm Control Systems Inc
New QA: Scott Naegle

Mr. Naegle met with the board to review an application as a burglar alarm company. The board determined his work experience meets the requirements of the statute. However, there is a dilemma regarding the Utah Burglar Alarm Company Qualifier Exam as to whether it is necessary to retake this Exam. It was noted that he passed the Exam in 1997.

A motion was made by Mr. Sessions and seconded by Mr. Astin to approve Mr. Naegle to be the qualifying agent for this company contingent upon:

- (1) A conditional temporary license can be issued to Mr. Naegle.
- (2) Mr. Ormond shall pursue written documentation from the Attorney General's Office as to whether it is necessary to retake the exam.
- (3) Mr. Naegle's permanent license shall be issued contingent upon receipt of the Attorney General's decision concerning this exam.

This company license can be approved if all the requirements have been met. The motion carried unanimously.

Later on this date, Mr. Ormond was informed by the Attorney General's Office that it is not necessary for Mr. Naegle to retake the Utah Burglar Alarm Company Qualifier Exam. The permanent license was issued.

Alarm System Security Licensing Board

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10:30 a.m. Platinum Protection LLC

New QA: Jared Wright

Mr. Wright met with the board to review an application as a Burglar Alarm Company. The Board determined his work experience meets the requirements of the statute.

A motion was made by Mr. Astin and seconded by Mr. Sessions to approve Mr. Wright to be the qualifying agent for this company, contingent upon all requirements for licensure have been met, the motion carried unanimously.

11:00 a.m. Alarm Security Group LLC

New QA: Thomas Beare

Mr. Beare met with the board to review an application as a Burglar Alarm Company. The Board determined his work experience meets the requirements of the statute.

A motion was made by Mr. Weight and seconded by Mr. Astin to approve Mr. Beare to be the qualifying agent for this company, contingent upon all requirements for licensure have been met, the motion carried unanimously.

11:15 a.m. Capital Security LLC

New QA: Charles Hart

Mr. Hart met with the board to review an application as a Burglar Alarm Company. The board determined his work experience meets the requirements of the statute.

A motion was made by Mr. Astin and seconded by Mr. Weight to approve Mr. Hart to be the qualifying agent for this company, contingent upon all requirements for licensure have been met, the motion carried unanimously.

11:30 a.m. Michael Nielsen

Mr. Nielsen did not meet with the board for his scheduled probationary interview.

After some discussion, a motion was made by Mr. Astin and seconded by Mr. Gray to request an Order to Show Cause, the motion carried unanimously.

11:45 a.m. David Thorpe

Renewal Review QA for

Tri-City Alarm Company, Inc.

Mr. Thorpe met with the board accompanied by his attorney, Greg Skordas, regarding his application for licensure as a Burglar Alarm Agent and Qualifying Agent for Tri-City Alarm Company, Inc. After some discussion, Mr. Ormond informed the board that Tri-City Alarm Company, Inc. could be renewed.

On the "Application for License Renewal/Reinstatement" form, Mr. Thorpe answered "No" to questions:

- (1) Since the last renewal or issuance of this license have you pled guilty to, pled no contest to, been convicted of, made a plea in abeyance to, or entered into a deferred sentence with respect to any felony or misdemeanor in any jurisdiction.
- (2) Since the last renewal or issuance of this license have you been charged with or arrested for any felony or misdemeanor in any jurisdiction.

Documentation dated September 29, 2000, from the Third District Court, West Valley Department, shows a Criminal Trespass (amended), Class B Misdemeanor, No Contest; and Theft, 3rd Degree Felony, Dismissed. At this point in time, Mr. Thorpe was sent a letter of concern due to the circumstances of the case and no further prosecution was proceeded with.

In addition, documentation dated October 19, 2005, from the Salt Lake County Justice Court; show a criminal charge of Theft, Class B Misdemeanor, Dismissed; and Criminal Trespass, Class B Misdemeanor, Dismissed.

After careful discernment, a motion was made by Mr. Sessions and seconded by Mr. Astin to place Mr. Thorpe on a Memorandum of Understanding (MOU). The terms and conditions of the MOU are:

- (1) Probation is for a period of two years.
- (2) The Division must be in receipt of the expungement order within six months.
- (3) Meet with the board every six months.
- (4) It is necessary to abstain from any additional criminal activity.

The motion carried unanimously.

12:00 p.m. Alarmlock Corp
New QA: Rocco Barboni

Mr. Barboni met with the board to review an application as a Burglar Alarm Company. The board determined his work experience meets the requirements of the statute.

DISCUSSION ITEMS:

Wayne Holman - Burglar Alarm Enforcement

William LaRochelle
Utah Burglar & Fire Alarm Association
Proposed Rule Changes

A motion was made by Mr. Astin and seconded by Mr. Weight to approve Mr. Barboni to be the qualifying agent for this company, contingent upon all requirements for licensure have been met, the motion carried unanimously.

Mr. Holman discussed the magnitude of Burglar Alarm Enforcement as it pertains to the requirements of the industry.

Mr. LaRochelle discussed the proposed rule changes. Mr. Holman, Supervisor for DOPL Investigations, stated that these rule changes would probably not impact the workload.

The following are the proposed Law changes:

Change #1:

58-55-305. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades subject to the stated circumstances and limitations without being licensed under this chapter:

(h) (i) a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contract or agreed value of less than \$1,000, including both labor and materials, and including all changes or additions to the contract or agree upon work; changes or additions to the contracted or agreed upon work;

(ii) notwithstanding Subsection (1) (h) (i):

(A) work in the plumbing and electrical trades shall be performed by a licensed electrician or plumber except as otherwise provided in this section; ~~and~~

(B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system must be performed by a person who has received certification under Subsection 58-55-308 (2); and

(C) work as an alarm business or company or as an alarm company agent shall be performed by a licensed burglar alarm business or company or an alarm company agent except as otherwise provided in this chapter.

Change #2:

58-55-501 Unlawful conduct:

(14) employing an unlicensed alarm business or company, or as ~~an~~ unlicensed alarm business or company as an unlicensed individual as an alarm company agent. Except as permitted under the exemption from licensure provisions under Section 58-1-307;

Change #3:

58-55-604 Proof of licensure to maintain or commence action.

No contractor or alarm business or company may act as agent or commence or maintain any action in any court of the state for collection of compensation for performing any act for which a license is required by this chapter without alleging and proving that he was a properly licensed contract or alarm or company when the contract sue upon was entered into, and when the alleges cause of action arose.

NEXT SCHEDULED MEETING:

March 8, 2007

DATE APPROVED

CHAIRPERSON, BURGLAR ALARM BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING